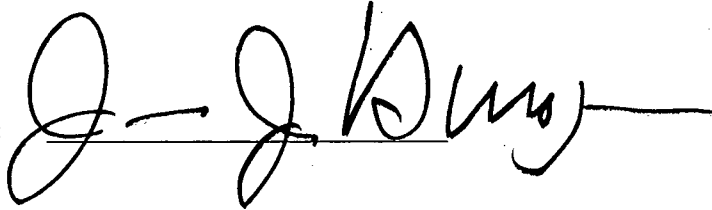


By:



S.B. No. 1197

A BILL TO BE ENTITLED

AN ACT

relating to the habitability of used manufactured homes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1201.452(b), Occupations Code, is amended to read as follows:

(b) If the home does not have the appropriate seal or label, the person must:

- (1) apply to the department for a seal; ~~and~~
- (2) pay the fee; and
- (3) submit to the department a copy of any written disclosure required by Section 1201.455(a).

SECTION 2. Section 1201.453, Occupations Code, is amended to read as follows:

Sec. 1201.453. HABITABILITY. Manufactured housing is habitable only if:

(1) there is no defect or deterioration in or damage to the home that would materially affect the health or safety of an occupant ~~[creates a dangerous situation]~~;

(2) the plumbing, heating, and electrical systems are in safe working order;

(3) the walls, floor, and roof are:

(A) free from an ~~[a substantial]~~ opening that was not designed; and

(B) structurally sound; ~~and~~

1 (4) all exterior doors and windows are in place and in  
2 safe working order; and

3 (5) the home complies with any other habitability  
4 standards provided by department rule.

5 SECTION 3. Section 1201.455, Occupations Code, is amended  
6 to read as follows:

7 Sec. 1201.455. WARRANTY OF HABITABILITY REQUIRED. (a)  
8 Except as otherwise provided by this subchapter, a person may not  
9 sell, exchange, or lease-purchase a used manufactured home to a  
10 consumer for use as a dwelling without providing a written warranty  
11 that the home is habitable and, in a form prescribed by department  
12 rule, a written disclosure describing the specific conditions of  
13 the home and of any appliances that are included in the home.

14 (b) Unless, not later than the 120th ~~60th~~ day after the  
15 date of the sale, exchange, or lease-purchase agreement or the 90th  
16 day after installation is completed, whichever date is later, the  
17 consumer notifies the seller in writing of a defect that makes the  
18 home not habitable, any obligation or liability of the seller under  
19 this subchapter is terminated. The warranty must conspicuously  
20 disclose that notice requirement to the consumer.

21 (c) If negotiations related to the execution of a sale,  
22 exchange, or lease-purchase agreement are conducted primarily in a  
23 language other than English, the warranty and written disclosure  
24 must be provided to the consumer in the language in which the  
25 negotiations are conducted.

26 SECTION 4. (a) This Act applies only to the sale, exchange,  
27 or lease-purchase of a used manufactured home on or after the

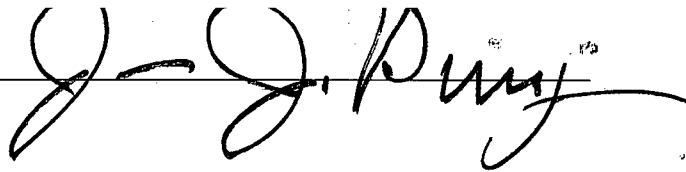
1 effective date of this Act. A sale, exchange, or lease-purchase of  
2 a used manufactured home before the effective date of this Act is  
3 governed by the law in effect on the date of the sale, exchange, or  
4 lease-purchase, and the former law is continued in effect for that  
5 purpose.

6 (b) Not later than November 1, 2005, the Texas Department of  
7 Housing and Community Affairs shall prepare and make available the  
8 disclosure forms required by Section 1201.455(a), Occupations  
9 Code, as amended by this Act.

10 SECTION 5. This Act takes effect September 1, 2005.

S.B. No. 1197

By



A BILL TO BE ENTITLED

AN ACT:

relating to the habitability of used manufactured homes.

MAR 09 2005

Filed with the Secretary of the Senate

**BUSINESS AND  
COMMERCE**

MAR 21 2005

Read and referred to Committee on

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by:

{ unanimous consent  
\_\_\_\_ years, \_\_\_\_ nays

Read second time, \_\_\_\_\_, and ordered engrossed by:

{ unanimous consent  
a viva voce vote  
\_\_\_\_ years, \_\_\_\_ nays

Senate and Constitutional 3 Day Rule suspended by a vote of \_\_\_\_ years, \_\_\_\_ nays.

Read third time, \_\_\_\_\_, and passed by:

{ A viva voce vote  
\_\_\_\_ years, \_\_\_\_ nays

\_\_\_\_\_  
SECRETARY OF THE SENATE

OTHER ACTION:

\_\_\_\_\_  
Engrossed

\_\_\_\_\_  
Sent to House

Engrossing Clerk \_\_\_\_\_

\_\_\_\_\_  
Received from the Senate

\_\_\_\_\_  
Read first time and referred to Committee on \_\_\_\_\_

\_\_\_\_\_  
Reported \_\_\_\_ favorably (as amended) (as substituted)

\_\_\_\_\_  
Sent to Committee on (Calendars) (Local & Consent Calendars)

\_\_\_\_\_  
Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)  
(record vote of \_\_\_\_ years, \_\_\_\_ nays, \_\_\_\_ present, not voting)

\_\_\_\_\_  
Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)  
by a vote of \_\_\_\_ years, \_\_\_\_ nays, \_\_\_\_ present, not voting.

\_\_\_\_\_  
Read third time (amended); finally passed (failed to pass) by a (non-record vote)  
(record vote of \_\_\_\_ years, \_\_\_\_ nays, \_\_\_\_ present, not voting)

\_\_\_\_\_  
Returned to Senate.

\_\_\_\_\_  
Returned from House without amendment.

\_\_\_\_\_  
Returned from House with \_\_\_\_ amendments.

\_\_\_\_\_  
Concurred in House amendments by a viva voce vote \_\_\_\_ years, \_\_\_\_ nays.

\_\_\_\_\_  
CHIEF CLERK OF THE HOUSE

\_\_\_\_\_ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

\_\_\_\_\_ Senate conferees instructed.

\_\_\_\_\_ Senate conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_

\_\_\_\_\_ House granted Senate request. House conferees appointed: \_\_\_\_\_, Chairman;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Conference Committee Report read and filed with the Secretary of the Senate.

\_\_\_\_\_ Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

**OTHER ACTION:**

\_\_\_\_\_ Recommitted to Conference Committee

\_\_\_\_\_ Conferees discharged.

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays